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B. AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method for processing an electronic
    voting message, said method comprising:
    compiling a voter data list that includes a plurality of
          authorized voters;
    sending the voter data list to a mail forwarding service,
          wherein the mail forwarding service sends one or more
          vote requests to one or more of the plurality of
          authorized voters;
    receiving the electronic voting message from a client;
    determining, based on the voter data list, whether the
          client is authorized to vote;
    in response to determining that the client is authorized to
          vote, performing the following:
        removing an identity of the client from the electronic
              voting message, wherein the removing results in
              an anonymous message; and
        identifying one or more votes in the anonymous
              message[[.]]; and
    in response to determining that the client is not
          authorized to vote, disregarding the electronic voting
          message.

2. (Cancelled)

3. (Currently Amended) The method as described in claim [[2]]
    1 further comprising:
    sending a confirmation message to the client, the
          confirmation message including a summary of the
          determination.

4.   (Currently Amended) The method as described in claim [[2]]
     1 wherein the determining further comprises:
     retrieving the identity of the client; and
     comparing the identity of the client to one or more of the
          plurality of authorized ~~identifiers~~ voters retrieved
          from [[a]] the voter data ~~store.~~ list.

5.   (Original) The method as described in claim 1 wherein one
     of the votes includes a freeform comment.

6.   (Original) The method as described in claim 1 further
     comprising:
     modifying a total number of votes, the modifying further
          including:
          adding the one or more votes to the total number of
               votes.

7.   (Original) The method as described on claim 6 further
     comprising:
     sending the total number of votes to a receiving server,
          wherein the receiving server is adapted to include the
          total number of votes with other received votes.

8.   (Original) The method as described in claim 1 wherein the
     electronic message is selected from the group consisting of
     a phone-in message, a private client email message, a
     public client email message, a hypertext transfer protocol
     message, a computer network message, an Active X message,
     and a Java message.

9.   (Currently Amended) An information handling system
     comprising:
     one or more processors;

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a memory accessible by the processors;

one or more nonvolatile storage devices accessible by the
    processors;

an electronic voting message handling tool to manage an
    electronic voting message stored on one of the
    nonvolatile storage devices, the electronic voting
    message handling tool including:

means for compiling a voter data list that includes a
    plurality of authorized voters;

means for sending the voter data list to a mail forwarding
    service, wherein the mail forwarding service sends one
    or more vote requests to one or more of the plurality
    of authorized voters;

means for receiving the electronic voting message from a
    client;

means for determining, based on the voter data list,
    whether the client is authorized to vote;

means for removing an identity of the client from the
    electronic voting message in response to determining
    that the client is authorized to vote, wherein the
    removing results in an anonymous message; [[and]]

means for identifying one or more votes in the anonymous
    message[[.]]; and

means for disregarding the electronic voting message in
    response to determining that the client is not
    authorized to vote.

10.   (Cancelled)

11.   (Currently Amended) The information handling system claim
      as described in claim [[10]] 9 further comprising:

means for sending a confirmation message to the client, the
    confirmation message including a summary of the
    determination.

12. (Currently Amended) The information handling system claim
as described in claim [[10]] 9 wherein the means for
determining further comprises:
means for retrieving the identity of the client; and
means for comparing the identity of the client to one or
    more of the plurality of authorized identifiers voters
    retrieved from [[a]] the voter data store. list.

13. (Original) The information handling system claim as
described in claim 9 wherein one of the votes includes a
freeform comment.

14. (Original) The information system handling claim as
described in claim 9 further comprising:
means for modifying a total number of votes, the means for
    modifying further including:
        means for adding the one or more votes to the total
        number of votes.

15. (Original) The information system handling claim as
described in claim 14 further comprising:
means for sending the total number of votes to a receiving
    server, wherein the receiving server is adapted to
    include the total number of votes with other received
    votes.

16. (Original) The information system handling claim as
described in claim 9 wherein the electronic message is
selected from the group consisting of a phone-in message, a

private client email message, a public client email
message, a hypertext transfer protocol message, a computer
network message, an Active X message, and a Java message.

17.   (Currently Amended) A computer program product stored in a
computer operable media for managing an electronic voting
message, said computer program product comprising:
means for compiling a voter data list that includes a
plurality of authorized voters;
means for sending the voter data list to a mail forwarding
service, wherein the mail forwarding service sends one
or more vote requests to one or more of the plurality
of authorized voters;
means for receiving the electronic voting message from a
client;
means for determining, based on the voter data list,
whether the client is authorized to vote;
means for removing an identity of the client from the
electronic voting message in response to determining
that the client is authorized to vote, wherein the
removing results in an anonymous message; [[and]]
means for identifying one or more votes in the anonymous
message[[.]]; and
means for disregarding the electronic voting message in
response to determining that the client is not
authorized to vote.

18.   (Cancelled)

19.   (Currently Amended) The computer program product as
described in claim [[18]] 17 further comprising:

means for sending a confirmation message to the client, the
        confirmation message including a summary of the
        determination.

20.   (Currently Amended) The computer program product as
        described in claim [[18]] 17 wherein the means for
        determining further comprises:
        means for retrieving the identity of the client; and
        means for comparing the identity of the client to one or
            more of the plurality of authorized identifiers voters
            retrieved from [[a]] the voter data store. list.

21.   (Original) The computer program product as described in
        claim 17 wherein one of the votes includes a freeform
        comment.

22.   (Original) The computer program product as described in
        claim 17 further comprising:
        means for modifying a total number of votes, the means for
            modifying further including:
                means for adding the one or more votes to the total
                    number of votes.

23.   (Original) The computer program product as described in
        claim 22 further comprising:
        means for sending the total number of votes to a receiving
            server, wherein the receiving server is adapted to
            include the total number of votes with other received
            votes.

24.   (Original) The computer program product as described in
        claim 17 wherein the electronic message is selected from
        the group consisting of a phone-in message, a private

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client email message, a public client email message, a
hypertext transfer protocol message, a computer network
message, an Active X message, and a Java message.

41.20(b)(2) was paid when the Appeal Brief was originally filed on August 10, 2006, and therefore no fee is believed to be due. Further, the one-month deadline for filing this Amended Appeal Brief is November 30, 2006, therefore, no extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and the undersigned hereby authorizes the Commissioner to charge any fees for this brief or for any needed extension to IBM Corporation Deposit Account No. 09-0447.

B. REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines Corporation, which is the assignee of the entire right, title, and interest in the above-identified patent application.

C. RELATED APPEALS AND INTERFERENCES

With respect to other prior or pending appeals, interferences, or judicial proceedings that are related to, will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such prior or pending appeals, interferences, or judicial proceeding known to Appellants, Appellants' legal representative, or assignee.

D. STATUS OF CLAIMS

1. Total number of claims in application

There are 21 claims pending. Three claims are independent claims (1, 9, and 17), and the remaining claims are dependent claims.

2. Status of all claims in application

- Claims canceled: 2, 10, and 18
- Claims withdrawn from consideration but not canceled: none
- Claims pending: 1, 3-9, 11-17, and 19-24
- Claims allowed: None
- Claims rejected: 1, 3-9, 11-17, and 19-24

3. Claims on appeal

The claims on appeal are: 1, 3-9, 11-17, and 19-24.

E. STATUS OF AMENDMENTS

All amendments have been entered in this case. No amendments have been made to the claims after the Final Office Action.

F. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants provide a concise summary of the claimed subject matter as follows. Claims 1, 9, and 17 are independent claims. Note that claims 1 and 3-8 are method claims, claims 9 and 11-16 are information handling system claims, and claims 17 and 19-24 are computer program product claims. Independent claims 9 and 17 include means plus function limitations that correspond to the method steps set forth in independent claim 1. An information handling system capable of implementing Appellants' invention, as claimed in independent claim 9, is shown in Figures 1 and 6, and described in Appellants' specification on page 6, line 8 through page 9, line 19, and also on page 18, line 21 through page 20, line 6. Support for independent computer program product claim 17 is described in Appellants' specification on page 20, lines 7-24. In addition, support for each of the method steps and means plus function limitations of the independent claims are discussed below. The specific citations to Appellants' Figures and Specification are meant to be exemplary in nature, and do not limit the scope of the claims In particular, the citations below do not limit the scope of equivalents as provided under 35 U.S.C. § 112, sixth paragraph.

As claimed in independent claim 1, the claimed invention is a method for processing an electronic voting message, including compiling a voter data list that includes a plurality of authorized voters (see e.g., Figure 3, reference numeral 305; page 12, line 26 through page 13, line 27), sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters (see e.g., Figure 3, reference numerals 310, 315, 320, 325, and 330; page 12, line 26 through page 13, line 27), receiving the electronic voting message from a client (see e.g., Figure 4, reference numeral 430, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 530, page 16, line 10 through page 18, line 20), determining, based on the voter data list, whether the client is authorized to vote (see e.g., Figure 4, reference numerals 435, 440, and 445, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numerals 535, 540, and 545, page 16, line 10 through page 18, line 20), and in response to determining that the client is authorized to vote, performing the following: removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message (see e.g., Figure 4, reference numeral 452, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 552, page 16, line 10 through page 18, line 20), and identifying one or more votes in the anonymous message (see e.g., Figure 4, reference numeral 455, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 555, page 16, line 10 through page 18, line 20), and in response to determining that the client is not authorized to vote, disregarding the electronic voting message (see e.g., Figure 4, reference numeral 448, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 548, page 16, line 10 through page 18, line 20).

As claimed in independent claim 9, the claimed invention is an information handling system (see e.g., Figure 1, page 6, line 8 through page 9, line 19; also see e.g., Figure 6, page 18, line 21 through page 20, line 6) including one or more processors (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6), a memory accessible by the processors (see e.g., Figure 6, reference numerals 610 and 620; page 18, line 21 through page 20, line 6), one or more nonvolatile storage devices accessible by the processors (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6), an electronic voting message handling tool to manage an electronic voting message stored on one of the nonvolatile storage

devices (see e.g., Figure 1, reference numerals 172, 180, 125, 100, 170, and 135; page 6, line 8 through page 9, line 19), the electronic voting message handling tool including means for compiling a voter data list that includes a plurality of authorized voters (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 3, reference numeral 305; page 12, line 26 through page 13, line 27), means for sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 3, reference numerals 310, 315, 320, 325, and 330; page 12, line 26 through page 13, line 27), means for receiving the electronic voting message from a client (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 430, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 530, page 16, line 10 through page 18, line 20), means for determining, based on the voter data list, whether the client is authorized to vote (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numerals 435, 440, and 445, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numerals 535. 540, and 545, page 16, line 10 through page 18, line 20), means for removing an identity of the client from the electronic voting message in response to determining that the client is authorized to vote, wherein the removing results in an anonymous message (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 452, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 552, page 16, line 10 through page 18, line 20), means for identifying one or more votes in the anonymous message (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 455, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 555, page 16, line 10 through page 18, line 20), and means for disregarding the electronic voting message in response to determining that the client is not authorized to vote (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 448, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 548, page 16, line 10 through page 18, line 20).

As claimed in independent claim 17, the claimed invention is a computer program product (see e.g., page 20, lines 7-24) stored in a computer operable media (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6) for managing an electronic voting message including means for compiling a voter data list that includes a plurality of authorized voters (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 3, reference numeral 305; page 12, line 26 through page 13, line 27), means for sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 3, reference numerals 310, 315, 320, 325, and 330; page 12, line 26 through page 13, line 27), means for receiving the electronic voting message from a client (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 430, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 530, page 16, line 10 through page 18, line 20), means for determining, based on the voter data list, whether the client is authorized to vote (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numerals 435, 440, and 445, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numerals 535, 540, and 545, page 16, line 10 through page 18, line 20), means for removing an identity of the client from the electronic voting message in response to determining that the client is authorized to vote, wherein the removing results in an anonymous message (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 452, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 552, page 16, line 10 through page 18, line 20), means for identifying one or more votes in the anonymous message (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 455, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 555, page 16, line 10 through page 18, line 20), and means for disregarding the electronic voting message in response to determining that the client is not authorized to vote (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 448, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 548, page 16, line 10 through page 18, line 20).

Appellants argue the claims in several groups, and, as required by 37 C.F.R. §41.37(c)(1)(v), Appellants provide support from the specification for the means plus function elements of each dependent claim argued separately below.

Claim 11 is argued separately below, as part of a group including claims 3, 5, 11, 13, 19, and 21. Claim 11 includes means for sending a confirmation message to the client, the confirmation message including a summary of the determination (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 463, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 563, page 16, line 10 through page 18, line 20).

Claim 14 is argued separately below, as part of a group including claims 6, 7, 14, 15, 22, and 23. Claim 14 includes means for modifying a total number of votes, the means for modifying further including means for adding the one or more votes to the total number of votes (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 482, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 582, page 16, line 10 through page 18, line 20).

Claim 15 is argued separately below, as part of a group including claims 6, 7, 14, 15, 22, and 23. Claim 15 includes means for sending the total number of votes to a receiving server, wherein the receiving server is adapted to include the total number of votes with other received votes (see e.g., Figure 6, reference numeral 600; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numerals 463, 458, 480, and 482, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numerals 555, 580, and 582, page 16, line 10 through page 18, line 20).

Claim 19 is argued separately below, as part of a group including claims 3, 5, 11, 13, 19, and 21. Claim 19 includes means for sending a confirmation message to the client, the confirmation message including a summary of the determination (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 463, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 563, page 16, line 10 through page 18, line 20).

Claim 22 is argued separately below, as part of a group including claims 6, 7, 14, 15, 22, and 23. Claim 22 includes means for modifying a total number of votes, the means for

modifying further including means for adding the one or more votes to the total number of votes (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numeral 482, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numeral 582, page 16, line 10 through page 18, line 20).

Claim 23 is argued separately below, as part of a group including claims 6, 7, 14, 15, 22, and 23. Claim 23 includes means for sending the total number of votes to a receiving server, wherein the receiving server is adapted to include the total number of votes with other received votes (see e.g., Figure 6, reference numeral 672; page 18, line 21 through page 20, line 6; also see e.g., Figure 4, reference numerals 463, 458, 480, and 482, page 13, line 28 through page 16, line 9; also see e.g., Figure 5, reference numerals 555, 580, and 582, page 16, line 10 through page 18, line 20).

G. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 4, 8, 9, 12, 16, 17, 20, and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Herz, U.S. Patent No. 6,460,036 (hereinafter Herz). Claims 3, 5, 11, 13, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz. Claims 6, 7, 14, 15, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Bayer, U.S. Patent No. 6,311,190 (hereinafter Bayer).

H. ARGUMENTS – APPELLANTS CLAIMS ARE NEITHER TAUGHT NOR SUGGESTED BY THE PRIOR ART

1. Claims 1, 4, 8, 9, 12, 16, 17, 20, and 24 Are Not Anticipated By Herz

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Herz fails to anticipate the presently claimed invention because it fails to show all of the elements of the claimed invention.

Herz purports to teach a system for "customized electronic identification of desirable objects in an electronic media environment, which system enables a user to access target objects of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy" (Herz, col. 4, lines 38-43). Herz discloses that each target object has a target profile, and each user has a target profile interest summary. The system disclosed by Herz evaluates target profiles versus a user's target profile interest summary in order "to generate a user-customized rank ordered listing of target objects most likely to be of interest to each user so that the user can select from among these potentially relevant target objects" (Herz, col. 5, lines 8-22).

Appellants teach and claim a method, system, and computer program product for processing an electronic voting message. Using independent claim 1 as an exemplary claim, Appellants' independent claims include the following elements:

- compiling a voter data list that includes a plurality of authorized voters;
- sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters;
- receiving the electronic voting message from a client;
- determining, based on the voter data list, whether the client is authorized to vote;
- in response to determining that the client is authorized to vote, performing the following:
    - removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message; and
    - identifying one or more votes in the anonymous message; and
- in response to determining that the client is not authorized to vote, disregarding the electronic voting message.

Ⓧ ARGUMENT

Appellants respectfully submit that Herz does not teach all the elements of independent claims 1, 9, and 17. For example, Herz does not teach "compiling a voter data list that includes a plurality of authorized voters." The Final Office Action cites Herz at col. 48, lines 27-30 as teaching this element (see Final Office Action, page 2, line 23 through page 3, line 5). The cited

section of Herz discusses a situation where a parent instructs a proxy server "that only target objects that have been digitally signed by a recognized child protection agency may be transmitted to a user" (Herz, col. 48, lines 22-25). This prevents a child from accessing pornography (Herz, col. 48, lines 25-29). While certainly useful, preventing a child from accessing pornography on the web is simply not the same as "compiling a voter data list that includes a plurality of authorized voters," as taught and claimed by Appellants in independent claims 1, 9, and 17. Herz does not disclose compiling any type of list, much less a list of authorized voters. The cited section of Herz does not have anything whatsoever to do with a voter data list or with any type of voter or list of authorized voters. A close reading of Herz does not reveal any teaching of compiling a voter data list, and therefore Appellants respectfully submit that Herz does not teach this element of Appellants' independent claims.

Appellants further submit that Herz does not teach "sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters," as taught and claimed by Appellants. The Final Office Action cites Herz at col. 32, lines 19-24 and lines 63-65, as teaching sending the voter data list to a mail forwarding service (see Final Office Action, page 3, lines 6-10). The cited sections of Herz discuss combining pseudonym granting and credential transfer methods (Herz, col. 32, lines 19-24) and further discuss using a proxy server to forward unsolicited communications to a user in accordance with access control specifications specified by the user (Herz, col. 32, lines 62-67). These sections of Herz do not relate to sending a voter data list to a mail forwarding service, as taught and claimed by Appellants. Even if the proxy server disclosed by Herz can be said to act as a mail forwarding service, Herz does not teach sending a voter data list to a mail forwarding service as taught and claimed by Appellents. Appellants respectfully note that all words in a claim must be considered when determining whether or not a prior art reference teaches or suggests a claim limitation. The proxy server in Herz appears to send communications to a user, but there is nothing in Herz that indicates that *a voter data list* is sent *to a mail forwarding service*, as taught and claimed by Appellants.

The Final Office Action further cites Herz at col. 35, lines 20-25 and col. 18, lines 37-40 as teaching "wherein the mail forwarding service sends one or more vote requests to one or more of the plurality of authorized voters" (see Final Office Action, page 3, lines 11-18). The cited

sections of Herz appear to disclose various features of Herz's system. The section of Herz cited at col. 35, lines 20-25 discusses the ability of users to send "untraceable secure anonymous mail" to other users by using forwarding and return mounting servers referred to as "mixes" (Herz, col. 35, lines 20-23). The section of Herz cited at col. 18, lines 37-40 discusses "a news clipping service that periodically presents the user with news articles of potential interest." The news clipping service allows a user to provide "active and/or passive feedback to the system related to these presented articles" (Herz, col. 18, lines 36-40). The cited sections of Herz have absolutely nothing to do with a mail forwarding service *sending vote requests* to one or more *authorized voters*. Even if allowing a user to give feedback regarding a news article can be said to be similar to allowing a user to vote on a news article, Herz does not disclose sending a vote request to one or more authorized voters. Receiving feedback from a user is not the same as sending a vote request to that user. Further, Herz does not address the issue of a mail forwarding service sending vote requests to one or more authorized users, as taught and claimed by Appellants.

In the discussion of Herz, col. 18, lines 37-40, the Final Office Action then states that "the examiner interprets this passage to mean the user is receiving an electronic message from the forwarding server anonymously" (see Final Office Action, page 3, lines 16-18). Appellants respectfully disagree. The cited section of Herz is discussing a user giving feedback to the system regarding articles that have been presented to the user. There is nothing in this section of Herz that has anything to do with a user receiving an electronic message from the server anonymously. It actually would not make any sense for this part of Herz's system to work anonymously. The user most likely receives news clippings from known news services and then provides feedback to Herz's system. There is no reason for the user to receive anonymous news clippings. News clippings are almost always from known news services, and Herz does not appear to advocate anonymous news clippings. Further, the feedback provided by the user would not be useful if it was anonymous. Herz's system needs to know which user is providing the feedback in order to use the feedback for future profiling. In short, Appellants do not agree that the cited sections of Herz mean that "the user is receiving an electronic message from the forwarding server anonymously." Further, Appellants respectfully submit that the cited sections of Herz do not teach, and indeed have nothing to do with, "sending the voter data list to a mail forwarding service, wherein the mail forwarding service sends one or more vote requests to one

or more of the plurality of authorized voters," as taught and claimed by Appellants in independent claims 1, 9, and 17.

Appellants further submit that Herz does not teach "determining, based on the voter data list, whether the client is authorized to vote." The Final Office Action cites Herz at col. 35, lines 54-56 as teaching this element of Appellants' independent claims (see Final Office Action, page 4, lines 1-5). The cited section of Herz simply states that "credentials, which represent facts about a pseudonym that an organization is willing to certify, can be granted to a particular pseudonym . . ." Granting credentials to a pseudonym is not the same as determining whether or not a client is authorized to vote. Herz does not teach determining anything based on a voter data list, and Herz certainly does not teach determining whether a client is authorized to vote, based on a voter data list. In short, Herz does not teach anything having to do with this element of Appellants' independent claims.

Appellants further submit that Herz does not teach "in response to determining that the client is authorized to vote . . .removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message," and "identifying one or more votes in the anonymous message." The Final Office Action cites Herz at col. 35, lines 25-30 as teaching "in response to determining that the client is authorized to vote . . .removing an identity of the client from the electronic voting message, wherein the removing results in an anonymous message." The cited section of Herz discloses using a "mix path protocol" to allow anonymous communication between users, including information providers, vendors, and proxy servers. However, nothing in Herz discloses removing an identity from *an electronic voting message in* response to *determining that a client is authorized to vote*. Once again, Appellants respectfully note that all words in a claim must be considered when determining whether or not a prior art reference teaches or suggests a claim limitation. Herz simply does not disclose anything having to do with this element of Appellants' independent claims.

The Final Office Action further cites Herz at col. 18, lines 37-40 as teaching "identifying one or more votes in the anonymous message." As discussed above, this section of Herz discloses a user giving feedback to the system regarding articles that have been presented to the user. The Final Office Action states that this "feedback would include one or more votes in the anonymous message" (see Final Office Action, page 4, lines 14-16). Appellants respectfully

disagree. As discussed above, the feedback disclosed by Herz, i.e. the feedback from a user to the system regarding news clippings, could not be anonymous. This feedback has to be tied to a particular user in order to be useful in the future for the user's target profile interest summary. A close reading of Herz shows absolutely no disclosure of identifying votes *in an anonymous message*, and therefore Appellants respectfully submit that Herz does not teach "identifying one or more votes in the anonymous message," as taught and claimed by Appellants.

Appellants further submit that Herz does not teach "in response to determining that the client is not authorized to vote, disregarding the electronic voting message." The Final Office Action cites Herz at col. 36, lines 14-20 as teaching this element (see Final Office Action, page 4, lines 19-23). However, the cited section of Herz discusses a method that ensures that "no individual may correspond with a given organization or coalition of organizations using more than one pseudonym; that credentials may not be feasibly forged by the user; and that credentials may not be transferred from one user's pseudonym to a different user's pseudonym" (Herz, col. 36, lines 15-19). The cited section also notes that credentials may expire (Herz, col. 36, line 20). However, nothing in the cited section of Herz discloses *disregarding a voting message*. In particular, nothing in the cited section of Herz discloses disregarding a voting message in response to determining that a client is not authorized to vote, as taught and claimed by Appellants.

Based on the above discussion, Appellants respectfully submit that Herz does not teach many of the elements in independent claims 1, 9, and 17, and therefore, Appellants respectfully submit that independent claims 1, 9, and 17 are not anticipated by Herz. Appellants therefore respectfully request that the rejections under 35 U.S.C. § 102(e) be overturned, and that independent claims 1, 9, and 17, and the claims which depend from them, be allowed.

2. Claims 3, 5, 11, 13, 19, and 21 Are Patentable Over Herz

Claims 3, 5, 11, 13, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz. Each of these claims depends from one of Appellants' independent claims, and is therefore patentable for at least the reasons discussed above with regard to Appellants' independent claims. In particular, Herz does not teach or suggest at least the compiling, sending, determining, identifying, or disregarding elements of Appellants'

independent claims. Indeed, as discussed fully above, Herz has absolutely nothing to do with sending vote requests to one or more authorized voters. Because Herz does not teach or suggest many of the elements of Appellants' independent claims, and because claims 3, 5, 11, 13, 19, and 21 each depend from one of Appellants' independent claims, it follows that claims 3, 5, 11, 13, 19, and 21 are patentable over Herz.

Appellants further point out that the Final Office Action admits that Herz does not disclose "sending a confirmation message to the client, the confirmation message including a summary of the determination" (see Final Office Action, page 6, lines 16-21). However, the Final Office Action states that "providing confirmation messages regarding a summary of a determination is old and well known in the art of communication" (see Final Office Action, page 6, line 22 through page 7, line 1). While providing confirmation messages may be known in the art of communication, Appellants respectfully note that a claim must be viewed in its entirety. As discussed fully above, Herz does not teach or suggest determining, based on a voter data list, whether or not a client is authorized to vote. Because Herz does not teach or suggest determining as it is taught and claimed by Appellants, Herz can not and does not teach or suggest "sending a confirmation message to the client, the confirmation message including *a summary of the determination*," as taught and claimed by Appellants in claims 3, 11, and 19.

The Final Office Action also takes Official Notice that the use of freeform comments is old and well known in the art (see Final Office Action, page 7, lines 9-17). Again, Appellants respectfully note that a claim must be viewed in its entirety. Appellants are not simply claiming the use of freeform comments, but rather, are claiming that one of the votes, which has been identified in an anonymous message (as claimed in the independent claims) includes a freeform comment. Herz does not teach or suggest using a freeform comment in this way. Therefore, Appellants respectfully submit that, regardless of whether the use of freeform comments is well known in the art, Herz simply does not teach or suggest all of the elements of claims 5, 13, and 21, when viewed in light of the independent claims from which they depend.

For the reasons set forth above, Appellants respectfully request that the rejections of claims 3, 5, 11, 13, 19, and 21 be overturned.

3. Claims 6, 7, 14, 15, 22, and 23 Are Patentable Over Herz In View Of Bayer

Claims 6, 7, 14, 15, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herz in view of Bayer. Each of these claims depends, either directly or ultimately, from one of Appellants' independent claims, and is therefore patentable for at least the reasons discussed above with regard to Appellants' independent claims. Bayer purports to teach "a system for conducting surveys over a network to multiple voters in multiple countries throughout the world in different languages" (Bayer, col. 2, lines 9-12). However, Bayer does not overcome the deficiencies of Herz. In particular, nothing in Bayer overcomes the fact that Herz does not teach or suggest at least the compiling, sending, determining, identifying, or disregarding elements of Appellants' independent claims. Regardless of whether or not Bayer discloses some type of vote tallying, neither Herz nor Bayer nor a combination of the two teaches or suggests many of the elements of Appellants' claims.

For the reasons set forth above, Appellants respectfully submit that claims 6, 7, 14, 15, 22, and 23 are patentable over Herz in view of Bayer, and respectfully request that the rejections of these claims under 35 U.S.C. § 103 be overturned.

Conclusion

For the foregoing reasons, Appellants submits that claims 1, 3-9, 11-17, and 19-24 are allowable, and, accordingly, Appellants respectfully request that the Examiner's claim rejections be reversed and claims 1, 3-9, 11-17, and 19-24 be allowed.

Respectfully submitted,

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I. CLAIMS APPENDIX

1. A method for processing an electronic voting message, said method comprising:

    compiling a voter data list that includes a plurality of authorized voters;

    sending the voter data list to a mail forwarding service, wherein the mail forwarding
    service sends one or more vote requests to one or more of the plurality of
    authorized voters;

    receiving the electronic voting message from a client;

    determining, based on the voter data list, whether the client is authorized to vote;

    in response to determining that the client is authorized to vote, performing the following:

    removing an identity of the client from the electronic voting message, wherein the
    removing results in an anonymous message; and

    identifying one or more votes in the anonymous message; and

    in response to determining that the client is not authorized to vote, disregarding the
    electronic voting message.

2. (Canceled)

3. The method as described in claim 1 further comprising:

    sending a confirmation message to the client, the confirmation message including a
    summary of the determination.

4. The method as described in claim 1 wherein the determining further comprises:

    retrieving the identity of the client; and

    comparing the identity of the client to one or more of the plurality of authorized voters
    retrieved from the voter data list.

5. The method as described in claim 1 wherein one of the votes includes a freeform
    comment.

6. The method as described in claim 1 further comprising:

    modifying a total number of votes, the modifying further including:

adding the one or more votes to the total number of votes.

7.   The method as described in claim 6 further comprising:

sending the total number of votes to a receiving server, wherein the receiving server is

adapted to include the total number of votes with other received votes.

8.   The method as described in claim 1 wherein the electronic message is selected from the

group consisting of a phone-in message, a private client email message, a public client

email message, a hypertext transfer protocol message, a computer network message, an

Active X message, and a Java message.

9.   An information handling system comprising:

one or more processors;

a memory accessible by the processors;

one or more nonvolatile storage devices accessible by the processors;

an electronic voting message handling tool to manage an electronic voting message

stored on one of the nonvolatile storage devices, the electronic voting message

handling tool including:

means for compiling a voter data list that includes a plurality of authorized voters;

means for sending the voter data list to a mail forwarding service, wherein the mail

forwarding service sends one or more vote requests to one or more of the plurality

of authorized voters;

means for receiving the electronic voting message from a client;

means for determining, based on the voter data list, whether the client is authorized to

vote;

means for removing an identity of the client from the electronic voting message in

response to determining that the client is authorized to vote, wherein the removing

results in an anonymous message;

means for identifying one or more votes in the anonymous message; and

means for disregarding the electronic voting message in response to determining that the

client is not authorized to vote.

10.   (Canceled)

11.   The information handling system claim as described in claim 9 further comprising:
means for sending a confirmation message to the client, the confirmation message
    including a summary of the determination.

12.   The information handling system claim as described in claim 9 wherein the means for
determining further comprises:
means for retrieving the identity of the client; and
means for comparing the identity of the client to one or more of the plurality of
    authorized voters retrieved from the voter data list.

13.   The information handling system claim as described in claim 9 wherein one of the votes
includes a freeform comment.

14.   The information system handling claim as described in claim 9 further comprising:
means for modifying a total number of votes, the means for modifying further including:
    means for adding the one or more votes to the total number of votes.

15.   The information system handling claim as described in claim 14 further comprising:
means for sending the total number of votes to a receiving server, wherein the receiving
    server is adapted to include the total number of votes with other received votes.

16.   The information system handling claim as described in claim 9 wherein the electronic
message is selected from the group consisting of a phone-in message, a private client
email message, a public client email message, a hypertext transfer protocol message, a
computer network message, an Active X message, and a Java message.

17.   A computer program product stored in a computer operable media for managing an
electronic voting message, said computer program product comprising:
means for compiling a voter data list that includes a plurality of authorized voters;

means for sending the voter data list to a mail forwarding service, wherein the mail

forwarding service sends one or more vote requests to one or more of the plurality

of authorized voters;

means for receiving the electronic voting message from a client;

means for determining, based on the voter data list, whether the client is authorized to

vote;

means for removing an identity of the client from the electronic voting message in

response to determining that the client is authorized to vote, wherein the removing

results in an anonymous message;

means for identifying one or more votes in the anonymous message; and

means for disregarding the electronic voting message in response to determining that the

client is not authorized to vote.

18.   (Canceled)

19.   The computer program product as described in claim 17 further comprising:

means for sending a confirmation message to the client, the confirmation message

including a summary of the determination.

20.   The computer program product as described in claim 17 wherein the means for

determining further comprises:

means for retrieving the identity of the client; and

means for comparing the identity of the client to one or more of the plurality of

authorized voters retrieved from the voter data list.

21.   The computer program product as described in claim 17 wherein one of the votes

includes a freeform comment.

22.   The computer program product as described in claim 17 further comprising:

means for modifying a total number of votes, the means for modifying further including:

means for adding the one or more votes to the total number of votes.

23.   The computer program product as described in claim 22 further comprising:

means for sending the total number of votes to a receiving server, wherein the receiving

      server is adapted to include the total number of votes with other received votes.

24.   The computer program product as described in claim 17 wherein the electronic message

      is selected from the group consisting of a phone-in message, a private client email

      message, a public client email message, a hypertext transfer protocol message, a

      computer network message, an Active X message, and a Java message.

J. EVIDENCE APPENDIX

Not applicable.

K. RELATED PROCEEDINGS APPENDIX

Not applicable.